BARNES & THORNBURG



GAU 36261

11 South Meridian Street Indianapolis, Indiana 46 (317) 236-1313

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:

3624

Attorney

Docket:

3168-29779

Applicant:

James M. Kain

Invention:

CHILD VEHICLE SEAT WITH

CHILD-RESTRAINT HARNESS

ADJUSTMENT MECHANISM

Serial No:

09/055,553

Filed:

April 6, 1998

Examiner: Peter Brown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

REQUEST FOR CORRECTED OFFICIAL ACTION UNDER 37 C.F.R. § 1.97(b)

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Applicant respectfully requests that the Official Action mailed November 24, 1998 (Paper No. 5) be withdrawn because it did not take into account an Information Disclosure Statement under 37 C.F.R. § 1.56 filed in Group 3624 on November 19, 1998 with a Certificate of Mailing Under 37 C.F.R. § 1.8(a). Paper No. 5 shows that Examiner Brown prepared his Official Action report without considering all of the documents submitted in said Information Disclosure Statement.

Copies of Paper No. 5, the Information Disclosure Statement including a Certificate Under 37 C.F.R. § 1.8(a) dated November 19, 1998, Form PTO-1449, and the two documents submitted in said Information Disclosure Statement and not considered are also attached to this Request for corrected Official Action.

Applicant respectfully requests that the Official Action of November 24, 1998 be withdrawn without prejudice; that the above-noted documents received by the U.S. Patent Office be entered into the record; and that a new Official Action taking into account said two documents be issued. Examiner Brown is requested to contact the undersigned by telephone at (317) 231-7283 if any questions arise with respect to this Request for Corrected Official Action.

Respectfully submitted,

BARNES & THORNBURG

Richard A. Rezek

Registration No. 30796

RAR/kt Indianapolis, Indiana 317-231-7283 INDS02 RXR 232547

Enclosures:

Copy of Paper No. 5

Copy of Information Disclosurfe Statement

Copy of Form PTO-1449

Copies of two documents submitted



ratent and Trade of K Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 UNITED STATL PARTMENT OF COMMERCE

APPLICATION NUMBER FILING DATE FIRST NAMED APPUCANT 097655,550 04/06/98 KAIN 11 SOUTH MERIDIAN STREET INDIANAPOLIS IN 46204

RECEIVED EXAMINER NOV 3 0 1998 AFIT UNIT PAPER NUMBER 11/24598

BARNES & THORNBURG DATE MAILED:

ATTY. DOCKET NO.

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		FOR	DEAL AL		
	This is a communication from the examiner in charge of your application:	BY	Old Park		
	COMMISSIONER OF PATENTS AND TRADEMARKS		Torcar -	=	
	OFFICE ACTION SUMM	DATE_	100 8	=	
	OTTION SOME			<u>:</u>	
	Responsive to communication(s) filed on	DATE_	6 DEC90	-	
	This action is FINAL.				
	Since this application is in condition for allowance except for formal matters, paccordance with the practice under Ex parte Quayle, 1935 D.C. 11; 453 O.G.	prosecution as 213.	s to the merits is closed in		
the	nortened statutory period for response to this action is set to expire	nd within the po y be obtained u	month(s), or thirty days, eriod for response will cause inder the provisions of 37 CFR		
Dis	posjiton of Claims				
17	Claim(s) / - 3 3				
	01.1		is/are pending in the applica	ition.	
	Claim(s) 29-38			tion.	
	Claim(s) /-3 8-/5 /7 73 0/74		is/are allowed. is/are rejected.		
			is/are objected to.		
П	Claim(s)	are subject	to restriction or election requires	ment.	
Арр	lication Papers				
	See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed onis/are The proposed drawing correction, filed on The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.	objected to by	the Examiner. s	93 DEC	
	ity under 35 U.S.C. § 119			8	
	Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d)			
	All Some* None of the CERTIFIED copies of the priority docum		en	PH 12: 06	
[received.			.:5	
Ō	received in Application No. (Series Code/Serial Number)			90	
	received in this national stage application from the International Bureau (Po	CT Rule 17.2(a	<u> </u>		
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_	acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119				
	hment(s)	.,			
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	nformation Disclosure Statement(s), PTO-1449, Paper No(s)				
	oterview Summary, PTO-413		•		
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U N	lotice of Informal Patent Application, PTO-152				

-SEE OFFICE ACTION ON THE FOLLOWING PACES-

Application/Control Number: 09/05553

Art Unit: 3624

1. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 4, the phrase "found to include" is awkward and should be changed to "which includes...", or the like. Note also that the phrase "adapted to face toward a child.." should define more clearly that the back plate is located adjacent a front surface of the shell, and that the child actually rests against the back plate.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-3,14, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burleigh et al.

Figures 1-6 show structure similar to that claimed.

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

Application/Control Number: 09/05553

Art Unit: 3624

subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh.

Burleigh (figs. 11,12) discloses a toothed locking mechanism for holding the panel in an adjusted position, and to have simply formed a plurality of teeth or "slots" on the arm member 96 which are engaged by a single tooth on the panel, would have been an obvious reversal of parts, and would have provided the structure as claimed.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh in view of Lefranc.

To have secured the ends of the shoulder straps of Burleigh to a rod member, for preventing withdrawal of the straps through the slots, would have been an obvious modification, as such is shown to be conventional by Lefranc (fig. 4).

7. Claims 4-13,16,18-22 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that claim 8 must be amended to overcome the 112 rejection.

8. Claims 29-38 are allowed.

Art Unit: 3624

9.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al and Weber et al show various features of the invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Brown whose telephone number is (703) 308-2103.

PETER R. BROWN PRIMARY EXAMINER

prb November 18, 1998

NOTICE OF DRAFTPERSON'S PATENT DRAWING REVIEW

The drawing filies Draftperson under 37 CFR 1.84 or 1.152. objected to by the Draftperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings who necessary. Corrected drawings must be submitted according to the instructions on the back of this notice. 7. SECTIONAL VIEWS, 37 CFR 1.84(b)(3) 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink. Color. Hatching not indicated for sectional portions of an object. Color drawing are not acceptable until petition is granted. Fig.(s) Sectional designation should be noted with Arabic or Pencil and non black ink is not permitted. Fig(s)_ Roman numbers, Fig.(s) 2. PHOTOGRAPHS 37 CFR 1.84(b) 8. ARRANGEMENT OF VIEWS, 37 CFR 1.84(i) _ Photographs are not acceptable until petition is granted, Words do not appear on a horizontal, left-to-right fashion when _ 3 full-tone sets are required. Fig(s)_ page is either upright or turned, so that the top becomes the right _ Photographs not properly mounted (must brystol board or side, except for graphs. Fig.(s)___ photographic double-weight paper). Fig(s)___ Views not on the same plane on drawing sheet. Fig.(s) Poor quailty (half-tone). Fig(s)_ 9. SCALE. 37 CFR 1.84(k) 3. TYPE OF PAPER. 37 CFR 1.84(c) Scale not large enough to show mechansim without crowding _ Paper not flexible, strong, white and durable. when drawing is reduced in size to two-thirds in reproduction. Fig.(s) Erasures, alterations, overwritings, interlineations, 10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(I) folds copy machine marks not acceptable. '(too thin) . . . Lines, numbers & letters not uniformly thick and well defined. Mylar, vellum paper is not acceptable (too thin). clean, durable and black (poor line quality). Fig(s) Fig.(s) ______ / ____ 4. SIZE OF PAPER. 37 CFR 1.84(F): Acceptable sizes: 11. SHADING. 37 CFR 1.84(m) _ 21.0 cm by 29.7 cm (DIN size A4) _Solid black areas pale. Fig.(s)_ _ 21.6 cm by 27.9 cm (8 1/2 x 11 inches) -Solid black shading not permitted. Fig.(s)_ __. All drawings sheets not the same size. - Shade lines, pale, rough and blurred. Fig.(s) Shect(s)_ .12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 5. MARGINS. 37 CFR 18.4(g): Acceptable margins: 37 CFR 1.48(p) Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm Numbers and reference characters not plain and legible. Fig.(s)_ Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm Figure legends are poor. Fig.(s)___ .SIZE: 8 1/2 x 11 Numbers and reference characters not oriented in the same Margins not acceptable. Fig(s)_ direction as the view. 37 CFR 1.84(p)(3) Fig.(s) _∠ left(L) Engligh alphabet not used. 37 CFR 1.84(p)(3) Fig.(s)_ ∠ Right (R) _____ Bottom (B) Numbers, letters and reference characters must be at least 6 VIEWS CFR 1.84(b) .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3) Fig.(s) ! --REMINDER: Specification may require revision to 13. LEAD LINES. 37 CFR 1.84(q) correspond to drawing changes. Lead lines cross each other. Fig.(s)_ Views connected by projection lines or lead lines. __Lead lines missing. Fig.(s)_ Fig.(s) Partial views, 37 CFR 1.84(h)(2) 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.48(t) Brackets needed to show figure as one entity. Sheets not numbered consecutively, and in Abábíc numerals Fig.(s) beginning with number 1. Fig.(s)____ Views not labeled separately or properly. 15, NUMBERING OF VIEWS. 37 CFR 1.84(u) Fig.(s) Views not numbered consecutively, and in Abrabic numerals, Enlarged view not labeled separately or properly. beginning with number 1. Fig.(s)_ Fig.(s)_ 16. CORRECTIONS. 37 CFR 1.84(w) Corrections not made from PTO-948 dated. 17. DESIGN DRAWINGS. 37 CFR 1.152 Surface shading shown not appropriate. Fig.(s)_ Solid black shading not used for color contrast. Fig.(s)_ COMMENTS

ATTACHMENT TO PAPER NO. 5

APPLICANT'S COPY

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* A copy of this reference is not being funished with this Office action. (See Manual of Patent Examining Procedure, Section 707.05(a).)

Part of Paper No.

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1/12	AA	2,143,634	Jan. 10, 1939	Saunders			
	АВ	3,198,575	Aug. 3, 1965	Hawkins			
	AC	3,572,827	Mar. 30, 1971	Merelis			
	AD	3,948,556	Apr. 6, 1976	Hyde, et al.			
	AE	4,047,755	Sept. 13, 1977	McDonald, et al.			
	AF	4,058,342	Nov. 15, 1977	Ettridge			
	AG	4,168,050	Sept. 18, 1979	Nerem, et al.			
	АН	4,205,877	June 3, 1980	Ettridge .		-	
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	LA	4,545,617	Oct. 8, 1985	Drexler, et al.			
12	AK	4,632,456	Dec. 30, 1986	Kassai	_		
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47	ВА	4,709,960	Dec. 1, 1987	Launes				
	88	4,858,997	Aug. 22, 1989	Shubin		297	4842	
	BC	4,915,446	Apr. 10, 1990	Darling, et	al.			
	BD	4,936,629	June 26, 1990	Young				
	BE	4,971,392	Nov. 20, 1990	Young		<u> </u>		
	BF	5,181,761	Jan. 26, 1993	Meeker				
	BG	5,335,964	Aug. 9, 1994	Sedlack, et	al.			
- 5 // -	вн	5,344,213	Sep. 6, 1994	Koyanagi				
BI 5,527,094 June 18, 1996 Hiramatsu		Hiramatsu,	et al.					
	ВЈ	5,609,393	Mar. 11, 1997	Meeker, et	al.			
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next communication to applicant.

BARNES & THORNBURG



11 South Meridian Street Indianapolis, Indiana 46204 (317) 236-1313

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:

3624

Attorney

Docket:

3168-29779

Applicant:

James M. Kain

Invention:

CHILD VEHICLE SEAT WITH

CHILD-RESTRAINT HARNESS ADJUSTMENT MECHANISM

Serial No: 09/055,553

Filed:

April 6, 1998

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington,

D.C. 20231

on Mov. 19,1998

Dated: Nov. 19, 1998

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. A copy of each reference is provided for review by the Examiner. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

U. S. PATENTS

Patent No.	Issue Date	Inventor
2,143,634	Jan. 10, 1939	Saunders
3,198,575	Aug. 3, 1965	Hawkins
3,572,827	Mar. 30, 1971	Merelis
3,948,556	Apr. 6, 1976	Hyde et al.
4,047,755	Sept. 13, 1977	McDonald et al.
4,058,342	Nov. 15, 1977	Ettridge
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4,205,877	June 3, 1980	Ettridge
4,376,551	Mar. 15, 1983	Cone
4,545,617	Oct. 8, 1985	Drexler et al.
4,632,456	Dec. 30, 1986	Kassai
4,709,960	Dec. 1, 1987	Launes
4,854,639	Aug. 8. 1989	Burleigh et al.
4,858,997	Aug. 22, 1989	Shubin
4,915,446	Apr. 10, 1990	Darling et al.
4,936,629	June 26, 1990	Young
4,971,392	Nov. 20, 1990	Young
5,181,761	Jan. 26, 1993	Meeker
5,335,964	Aug. 9, 1994	Sedlack et al.
5,344,213	Sep. 6, 1994	Koyanagi
5,527,094	June 18, 1996	Hiramatsu et al.
5,609,393	Mar. 11, 1997	Meeker et al.

FOREIGN PATENTS DOCUMENTS

Document No.

Publication Date

Country

GB 2 282 321 A

April 5, 1995

United Kingdom

None of the above-cited art is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Please charge any fees that might be due in connection with this Information

Disclosure Statement to our Deposit Account No. 10-0435. An extra copy of this Information

Disclosure Statement is enclosed for that purpose.

Respectfully submitted,

BARNES & THORNBURG

Jiff L. Woodburn

Attorney Registration No. 39874

jls/mvb Indianapolis, Indiana 46204

INDS02 RXR 207899